

**Subpart J [Reserved]**

**Subpart K—Highly Migratory Fisheries**

SOURCE: 69 FR 18453, Apr. 7, 2004, unless otherwise noted.

**§ 660.701 Purpose and scope.**

This subpart implements the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (FMP). These regulations govern commercial and recreational fishing for HMS in the U.S. EEZ off the coasts of Washington, Oregon, and California and in adjacent high seas waters.

**§ 660.702 Definitions.**

*Basket-style longline gear* means a type of longline gear that is divided into units called *baskets*, each consisting of a segment of main line to which 10 or more branch lines with hooks are spliced. The mainline and all branch lines are made of multiple braided strands of cotton, nylon, or other synthetic fibers impregnated with tar or other heavy coatings that cause the lines to sink rapidly in seawater.

*Closure*, when referring to closure of a fishery, means that taking and retaining, possessing, or landing the particular species or species group is prohibited.

*Commercial fishing* means:

(1) Fishing by a person who possesses a commercial fishing license or is required by law to possess such license issued by one of the states or the Federal Government as a prerequisite to taking, retaining, possessing, landing and/or sale of fish; or

(2) Fishing that results in or can be reasonably expected to result in sale, barter, trade or other disposition of fish for other than personal consumption.

*Commercial fishing gear* includes the following types of gear and equipment used in the highly migratory species fisheries:

(1) *Harpoon*. Gear consisting of a pointed dart or iron attached to the end of a pole or stick that is propelled only by hand and not by mechanical means.

(2) *Surface hook-and-line*. Fishing gear, other than longline gear, with one or more hooks attached to one or more lines (includes troll, rod and reel, handline, albacore jig, live bait, and bait boat). Surface hook and line is always attached to the vessel.

(3) *Drift gillnet*. A panel of netting, 14 inch (35.5 cm) stretched mesh or greater, suspended vertically in the water by floats along the top and weights along the bottom. A drift gillnet is not stationary or anchored to the bottom.

(4) *Purse seine*. An encircling net that may be closed by a purse line threaded through the bottom of the net. Purse seine gear includes ring net, drum purse seine, and lampara nets.

(5) *Pelagic longline*. A main line that is suspended horizontally in the water column and not stationary or anchored, and from which dropper lines with hooks (gangions) are attached. Legal longline gear also includes basket-style longline gear.

*Council* means the Pacific Fishery Management Council, including its Highly Migratory Species Management Team (HMSMT), Scientific and Statistical Committee (SSC), Highly Migratory Species Advisory Subpanel (HMSAS), and any other committee established by the Council.

*Fishing trip* is a period of time between landings when fishing is conducted.

*Fishing year* is the year beginning at 0801 GMT (0001 local time) on April 1 and ending at 0800 GMT on March 31 (2400 local time) of the following year.

*Harvest guideline* means a specified numerical harvest objective that is not a quota. Attainment of a harvest guideline does not require closure of a fishery.

*Highly Migratory Species (HMS)* means species managed by the FMP, specifically:

*Billfish/Swordfish*:

striped marlin (*Tetrapturus audax*)  
swordfish (*Xiphias gladius*)

*Sharks*:

common thresher shark (*Alopias vulpinus*)  
shortfin mako or bonito shark (*Isurus oxyrinchus*)  
blue shark (*Prionace glauca*)

*Tunas*:

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north Pacific albacore (*Thunnus alalunga*)

yellowfin tuna (*Thunnus albacares*)

bigeye tuna (*Thunnus obesus*)

skipjack tuna (*Katsuwonus pelamis*)

Pacific bluefin tuna (*Thunnus orientalis*)

*Other:*

dorado or dolphinfish (*Coryphaena hippurus*)

*Highly Migratory Species Advisory Subpanel* (HMSAS) means the individuals comprised of members of the fishing industry and public appointed by the Council to review proposed actions for managing highly migratory species fisheries.

*Highly Migratory Species Fishery Management Plan* (FMP) means the Fishery Management Plan for the U.S. West Coast Fisheries for Highly Migratory Species developed by the Pacific Fishery Management Council and approved by the Secretary of Commerce and amendments to the FMP.

*Highly Migratory Species Management Team* (HMSMT) means the individuals appointed by the Council to review, analyze, and develop management measures for highly migratory species fisheries.

*Incidental catch or incidental species* means HMS caught while fishing for the primary purpose of catching other species with gear not authorized by the FMP.

*Land or landing* means offloading fish from a fishing vessel or arriving in port to begin offloading fish or causing fish to be offloaded from a fishing vessel.

*Mesh size* means the opening between opposing knots in a net. Minimum mesh size means the smallest distance allowed between the inside of one knot to the inside of the opposing knot when the mesh is stretched, regardless of twine size.

*Offloading* means removing HMS from a vessel.

*Permit holder* means a permit owner.

*Permit owner* means a person who owns an HMS permit for a specific vessel fishing with specific authorized fishing gear.

*Person, as it applies to fishing conducted under this subpart*, means any individual, corporation, partnership, association or other entity (whether or not organized or existing under the

laws of any state), and any Federal, state, or local government, or any entity of any such government that is eligible to own a documented vessel under the terms of 46 U.S.C. 12102(a).

*Processing or to process* means the preparation or packaging of HMS to render it suitable for human consumption, industrial uses or long-term storage, including, but not limited to, cooking, canning, smoking, salting, drying, filleting, freezing, or rendering into meal or oil, but does not mean heading and gutting or freezing at sea unless additional preparation is done.

*Prohibited species* means those species and species groups whose retention is prohibited unless authorized by other applicable law (for example, to allow for examination by an authorized observer or to return tagged fish as specified by the tagging agency).

*Quota* means a specified numerical harvest objective, the attainment (or expected attainment) of which causes closure of the fishery for that species or species group.

*Recreational charter vessel* means a vessel that carries fee-paying passengers for the purpose of recreational fishing.

*Recreational fishing* means fishing with authorized recreational fishing gear for personal use only and not for sale or barter.

*Regional Administrator* means the Administrator, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213, or a designee.

*Special Agent-In-Charge* (SAC) means the Special Agent-In-Charge, NMFS, Office of Enforcement, Southwest Region, or a designee of the Special Agent-In-Charge.

*Sustainable Fisheries Division* (SFD) means the Assistant Regional Administrator for Sustainable Fisheries, Southwest Region, NMFS, or his or her designee.

*Tranship* means offloading or otherwise transferring HMS or products thereof to a receiving vessel.

*Vessel monitoring system unit* (VMS unit) means the hardware and software equipment owned by NMFS, installed on vessels by NMFS, and required by

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this subpart K to track and transmit the positions from fishing vessels.

[69 FR 18453, Apr. 7, 2004, as amended at 76 FR 56328, Sept. 13, 2011]

### § 660.703 Management area.

The fishery management area for the regulation of fishing for HMS has the following designations and boundaries:

(a) Southern boundary—the United States-Mexico International Boundary, which is a line connecting the following coordinates:

32°35'22" N. lat. 117°27'49" W. long.  
32°37'37" N. lat. 117°49'31" W. long.  
31°07'58" N. lat. 118°36'18" W. long.  
30°32'31" N. lat. 121°51'58" W. long.

(b) Northern boundary—the United States-Canada Provisional International Boundary, which is a line connecting the following coordinates:

48°29'37.19" N. lat. 124°43'33.19" W. long.  
48°30'11" N. lat. 124°47'13" W. long.  
48°30'22" N. lat. 124°50'21" W. long.  
48°30'14" N. lat. 124°54'52" W. long.  
48°29'57" N. lat. 124°59'14" W. long.  
48°29'44" N. lat. 125°00'06" W. long.  
48°28'09" N. lat. 125°05'47" W. long.  
48°27'10" N. lat. 125°08'25" W. long.  
48°26'47" N. lat. 125°09'12" W. long.  
48°20'16" N. lat. 125°22'48" W. long.  
48°18'22" N. lat. 125°29'58" W. long.  
48°11'05" N. lat. 125°53'48" W. long.  
47°49'15" N. lat. 126°40'57" W. long.  
47°36'47" N. lat. 127°11'58" W. long.  
47°22'00" N. lat. 127°41'23" W. long.  
46°42'05" N. lat. 128°51'56" W. long.  
46°31'47" N. lat. 129°07'39" W. long.

(c) Adjacent waters on the high seas in which persons subject to this subpart may fish.

### § 660.704 Vessel identification.

(a) *Applicability.* This section only applies to commercial fishing vessels that fish for HMS off, or land HMS in the States of California, Oregon, and Washington. This section does not apply to recreational charter vessels that fish for HMS off or land HMS in the States of California, Oregon, and Washington. Each fishing vessel must be marked for identification purposes, as follows:

(1) A vessel used to fish on the high seas within the Convention Area as defined in §300.211 of this title must be marked in accordance with the require-

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ments at §§300.14 and 300.217 of this title.

(2) A vessel not used to fish on the high seas within the Convention Area as defined in §300.211 of this title must be marked in accordance with either:

(i) Sections 300.14 and 300.217 of this title, or

(ii) The vessel's official number must be affixed to the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from enforcement vessels and aircraft. The official number must be affixed to each vessel subject to this section in block Arabic numerals at least 10 inches (25.40 cm) in height for vessels more than 25 ft (7.62 m) but equal to or less than 65 ft (19.81 m) in length; and 18 inches (45.72 cm) in height for vessels longer than 65 ft (19.81 m) in length. Markings must be legible and of a color that contrasts with the background.

(b) [Reserved]

[76 FR 73520, Nov. 29, 2011]

### § 660.705 Prohibitions.

In addition to the general prohibitions specified in §600.725 of this chapter, it is unlawful for any person to do any of the following:

(a) Fish for HMS in the U.S. EEZ off the Pacific coast without a permit issued under §660.707 for the use of authorized fishing gear.

(b) Fish with gear in any closed area specified in this subpart that prohibits the use of such gear.

(c) Land HMS at Pacific coast ports without a permit issued under §600.707 for the use of authorized fishing gear.

(d) Sell HMS without an applicable commercial state fishery license.

(e) When fishing for HMS, fail to return a prohibited species to the sea immediately with a minimum of injury.

(f) Falsify or fail to affix and maintain vessel markings as required by §660.704.

(g) Fish for HMS in violation of any terms or conditions attached to an exempted fishing permit issued under §600.745 of this chapter.

(h) When a directed fishery has been closed for a specific species, take and retain, possess, or land that species after the closure date.